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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,816	02/27/2004	Richard M. Onyon	FUSN1-01045US0	5654

28554 7590 05/07/2007

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EXAMINER	
RAMPURIA, SHARAD K	
ART UNIT	**PAPER NUMBER**
2617	

MAIL DATE	DELIVERY MODE
05/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/789,816	ONYON ET AL.	
	Examiner	Art Unit	
	Sharad Rampuria	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 February 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-60 and 82-93* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-60 and 82-93* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

I. The Art Unit location of this application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Disposition of the claims

II. The current office-action is in response to the amendment filed on 02/07/2007.

Accordingly, Claims 61-81 are cancelled, and 82-93 is newly appended claims, thus claims 1-60 and 82-93 are imminent for further assessment as follows:

Claim Rejections - 35 USC § 103

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-15, 17, 20-41, and 82-90, 92-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schrire et al.** [US 20040235523] in view of **Callahan et al.** [US 20040193953] *hereinafter* **Schrire** and **Callahan** respectively.

As per claim 1, Schrire teaches:

A method implemented by a processing device on a telephone for backing up personal information stored in a telephone (i.e. data stored...at a backup data service; Paragraph; 0050, Abstract), comprising:

Presenting a back-up system user account set-up interface on a user interface on the phone, the set-up interface enabling establishment of a back-up service account, (i.e. user can set-up the account by entering the identity of the user on the mobile phone's keyboard; Paragraphs; 0061, 0051) and

Schrire doesn't teaches specifically, presenting a back-up system user account set-up interface on a user interface on the phone, the set-up interface enabling establishment of a back-up service account, and the set-up interface including a display, one or more alphanumerical buttons and one or more soft buttons, different than the alphanumerical buttons, on the phone, the function of the one or more soft buttons on the phone changing, under control of a software application agent on the phone, depending on the content displayed on the display screen; presenting a backup scheduling interface to the user interface on the phone, the backup

scheduling interface accepting user input on a backup schedule, and the backup scheduling interface including a display, one or more alphanumerical buttons and one or more soft buttons, different than the alphanumerical buttons, on the phone, the function of the one or more soft buttons on the phone changing, under control of a software application agent on the phone, depending on the content displayed on the display screen; and presenting a restore information interface on the user interface on the phone, the restore interface enabling a user to retrieve backup information to a data store on the phone, and the restore information interface including a display, one or more alphanumerical buttons and one or more soft buttons, different than the alphanumerical buttons, on the phone, the function of the one or more soft buttons on the phone changing, under control of a software application agent on the phone, depending on the content displayed on the display screen. However, **Callahan** teaches in an analogous art, that presenting a backup scheduling interface to the user interface (216, 218; Fig.6) on the phone, the backup scheduling interface accepting user input on a backup schedule, and the backup scheduling interface including a display, one or more alphanumerical buttons and one or more soft buttons, different than the alphanumerical buttons, on the phone, the function of the one or more soft buttons on the phone changing, under control of a software application agent on the phone, depending on the content displayed on the display screen; [For instance, ¶ 0033] and presenting a restore information interface on the user interface on the phone, the restore interface enabling a user to retrieve backup information to a data store (restore; Fig.7, ¶ 0034) on the phone, and the restore information interface including a display, one or more alphanumerical buttons and one or more soft buttons, different than the alphanumerical buttons, on the phone, the function of the one or more soft buttons on the phone changing, under control of a software application agent on

the phone, depending on the content displayed on the display screen. [For instance, ¶ 0033] Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify **Schrire** including presenting a back-up system user account set-up interface on a user interface on the phone, the set-up interface enabling establishment of a back-up service account, and the set-up interface including a display, one or more alphanumerical buttons and one or more soft buttons, different than the alphanumerical buttons, on the phone, the function of the one or more soft buttons on the phone changing, under control of a software application agent on the phone, depending on the content displayed on the display screen; presenting a backup scheduling interface to the user interface on the phone, the backup scheduling interface accepting user input on a backup schedule, and the backup scheduling interface including a display, one or more alphanumerical buttons and one or more soft buttons, different than the alphanumerical buttons, on the phone, the function of the one or more soft buttons on the phone changing, under control of a software application agent on the phone, depending on the content displayed on the display screen; and presenting a restore information interface on the user interface on the phone, the restore interface enabling a user to retrieve backup information to a data store on the phone, and the restore information interface including a display, one or more alphanumerical buttons and one or more soft buttons, different than the alphanumerical buttons, on the phone, the function of the one or more soft buttons on the phone changing, under control of a software application agent on the phone, depending on the content displayed on the display screen in order to provide a maintaining and configuration setting via GUI on the device.

As per claim 2, Schrire teaches:

The method of claim 1 wherein the user account setup interface calls a method allowing the user to set up a backup account with a backup store. (i.e. verifying the user; Pg.3; 0061, Pg.2; 0051)

As per claim 3, Schrire teaches:

The method of claim 1 wherein the backup scheduling interface sets an interval to regularly send personal information to the backup store. (i.e. database backed up generally on a regular, daily basis; Pg.4; 0084)

As per claim 4, Schrire teaches:

The method of claim 1 wherein the backup scheduling interface causes the transmission of personal information to the backup store upon modification of the information on the phone. (i.e. refresh data display on the phone; Pg.3; 0067, 0065)

As per claim 5, Schrire teaches:

The method of claim 1 wherein the restore interface calls a method to upload all stored information on the server to the phone. (Pg.4; 0075, 0077)

As per claim 6, Schrire teaches:

The method of claim 5 wherein the method further includes providing a rollback interface. (Pg.3; 0065)

As per claim 7, Schrire teaches:

The method of claim 6 wherein the rollback interface is accessed via a web browser. (93; Fig.8, Pg.4; 0084)

As per claim 8, Schrire teaches:

The method of claim 6 where the rollback interface is accessed via a wireless protocol. (Pg.2; 0050)

As per claim 9, Schrire teaches:

The method of claim 6 wherein the rollback interface calls a method uploading changes based on a particular date (Pg.3; 0067, Pg.5; 0091)

As per claim 10, Schrire teaches:

The method of claim 1 wherein the method further includes providing an undelete interface. (Pg.4; 0078)

As per claim 11, Schrire teaches:

The method of claim 10 wherein the undelete interface is accessed via a web browser. (93; Fig.8, Pg.4; 0084)

As per claim 12, Schrire teaches:

The method of claim 10 wherein the undelete interface is accessed via a wireless protocol such as WAP. (Pg.7; 0120)

As per claim 13, Schrire teaches:

The method of claim 10 wherein the undelete interface calls a method which transmits a change associated with a particular record in a user's personal information space. (Pg.4; 0078)

As per claim 14, Schrire teaches:

The method of claim 1 wherein said personal information comprises an address book data store. (Pg.2; 0053)

As per claim 15, Schrire teaches:

The method of claim 1 wherein said personal information comprises a task entry data store. (i.e. user defined data; Pg.2; 0053)

As per claim 17, Schrire teaches:

The method of claim 1 wherein said personal information comprises a note entry data store. (i.e. user defined data; Pg.2; 0053)

Claims 20-29, 30-41 is the **method** claims, corresponding to **method** claims 1-17 respectively, and rejected under the same rational set forth in connection with the rejection of claims 1-17 respectively, above.

As per claim 82, Schrire teaches:

A user interface implemented by a processing device on a telephone for backing up personal information stored in a telephone (i.e. data stored...at a backup data service; Paragraph; 0050, Abstract), comprising:

An account-setup interface on the phone enabling establishment of a back-up service account, (i.e. user can set-up the account by entering the identity of the user on the mobile phone's keyboard; Paragraphs; 0061, 0051)

Schrire doesn't teaches specifically, a scheduling interface on the phone allowing a user to manually set up a schedule for backing up data on the phone, the scheduling interface including: a display on the phone, alphanumeric buttons on the phone, soft buttons on the phone, different than the alphanumeric buttons, the function of the soft buttons changing depending on what is displayed on the display, and a software application agent on the phone for: 1) controlling what is displayed on the display, 2) controlling the function of the soft buttons, and 3) setting up a back-up schedule when information is sent to a back-up store based on information manually entered into the scheduling interface; and a restore information interface enabling a user to retrieve backup information to a data store on the phone. However, **Callahan** teaches in an analogous art, that a scheduling interface on the phone allowing a user to manually set up a schedule for backing up data on the phone, the scheduling interface including: a display on the phone, alphanumeric buttons on the phone, soft buttons on the phone, different than the alphanumeric buttons, the function of the soft buttons changing depending on what is displayed on the display, (216, 218; Fig.6) and a software application agent on the phone for: 1) controlling

what is displayed on the display, 2) controlling the function of the soft buttons, and 3) setting up a back-up schedule when information is sent to a back-up store based on information manually entered into the scheduling interface; and a restore information interface (restore; Fig.7, ¶ 0034) enabling a user to retrieve backup information to a data store on the phone. [For instance, ¶ 0033]

Claims 83-89, is the **apparatus** claims, corresponding to **method** claims 2-17 respectively, and rejected under the same rational set forth in connection with the rejection of claims 2-17 respectively, above.

Claims 92-93, is the **apparatus** claims, corresponding to **apparatus** claim 82 respectively, and rejected under the same rational set forth in connection with the rejection of claim 82 respectively, above.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schrire & **Callahan** in view of Heinonen et al. [US 6728530].

As per claim 16, Schrire & **Callahan** teaches all the particulars of the claim except personal information comprises a calendar entry data store. However, Heinonen teaches in an analogous art, that the method of claim 1 wherein said personal information comprises a calendar entry data store. (Col. 5; 44-58, Col.8; 33-46) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Schrire & **Callahan** including personal

information comprises a calendar entry data store in order to provide a calendar item retrieved from network based calendar system.

Claims 18-19, 90-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schrire & **Callahan** in view of Sugimoto et al. [US 20040192260]

As per claims 18-19, 90-91, Schrire & **Callahan** teaches all the particulars of the claim except personal information comprises an alarm data/ a custom dictionary data/ an email data store. However, Sugimoto teaches in an analogous art, that the method of claim 1 wherein said personal information comprises an alarm data/ a custom dictionary data/ an email data store. (Pg.4; 0070) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Schrire & **Callahan** including personal information comprises an alarm data/ a custom dictionary data/ an email data store in order to provide a data backup system.

Claims 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schrire & **Callahan** in view of Vasudevan. [US 20040192282]

As per claims 46-47 Schrire & **Callahan** teaches all the particulars of the claim except application includes a BREW/ JAVA agent. However, Vasudevan teaches in an analogous art, that the application of claim 42 wherein the application includes a BREW/ JAVA agent. (Pg.3; 0046-Pg.4; 0047) Therefore, it would have been obvious to one of ordinary skill in the art at the

time of invention to modify Schrire & **Callahan** including the application includes a BREW/ JAVA agent in order to provide an application platform in the mobile communication system.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 42-45, 48-60 are rejected under 35 U.S.C. 102 (e) as being anticipated by **Schrire et al.** [US 20040235523].

As per claim 42, Schrire teaches:

A method implemented by a processor on for a wireless telephone (i.e. data stored...at a backup data service; Pg.2; 0050, Abstract), comprising:

An automated backup process transmitting changes to the backup system at user defined intervals; (i.e. scheduler; Paragraphs; 0077, 0096; 0084, 0102) and

A restore process activated by a user via a restore interface provided to the user by the application on the phone, to restore information stored on the backup system to the phone. (i.e. sync the data; Paragraphs; 0160, 0067, 0065, 0114, 0119)

As per claim 43, Schrire teaches:

The application of claim 42 wherein the application further includes a rollback phone information process. (Pg.3; 0065)

As per claim 44, Schrire teaches:

The application of claim 43 wherein rollback information process returns data on the wireless to a state existing on a specified date. (Pg.3; 0067, Pg.5; 0091)

As per claim 45, Schrire teaches:

The application of claim 42 wherein the application further includes an undelete record process. (Pg.4; 0078)

As per claim 48, Schrire teaches:

The application of claim 42 including a SyncML communications module. (Pg.9; 0160)

As per claim 49, Schrire teaches:

The application of claim 48 wherein the application operates to transmit changes from the backup system to the phone. (Pg.9; 0160)

As per claim 50, Schrire teaches:

The application of claim 49 wherein the SyncML communications module includes a SyncML client. (Pg.9; 0160)

As per claim 51, Schrire teaches:

The application of claim 48 wherein the SyncML communications module communicates with a SyncML client in the telephone. (Pg.9; 0160)

As per claim 52, Schrire teaches:

An application for storing personal information in a wireless telephone having a user interface and having a data store to a backup system (i.e. data stored...at a backup data service; Pg.2; 0050, Abstract), comprising:

An automated user account creation method initiated by the user via a user interface on a wireless telephone, the creation method accessing the backup system using a unique identifier for the user to create a user account on the backup system; (i.e. user can set-up the account by entering the identity of the user on the mobile phone's keyboard; Paragraphs; 0061, 0051)

An automated backup method transmitting changes to the backup system at user-defined intervals; (i.e. scheduler; Paragraphs; 0077, 0096; 0084, 0102)

A restore method called by the user through a restore interface presented on the user interface of the phone, the restore method providing user data to a phone. (i.e. sync the data; Paragraphs; 0160, 0067, 0065, 0114, 0119)

As per claim 53, Schrire teaches:

The application of claim 52 wherein the application includes a rollback method providing a state of user data existing as of a specified date. (Pg.3; 0065)

As per claim 54, Schrire teaches:

The application of claim 52 wherein the application includes an undelete method providing at lease one restored data item previously deleted by a user action. (Pg.4; 0078)

As per claim 55, Schrire teaches:

The application of claim 52 wherein at least the backup method and the account creation method are initiated by the agent. (i.e. customer service; Pg.14; 0244)

As per claim 56, Schrire teaches:

The application of claim 52 wherein the intervals are defined by user but altered by administrator. (i.e. customer service; Pg.14; 0244)

As per claim 57, Schrire teaches:

The application of claim 52 wherein the intervals are regular. (i.e. database backed up generally on a regular, daily basis; Pg.4; 0084, Pg.6; 0102)

As per claim 58, Schrire teaches:

The application of claim 52 wherein the intervals are arbitrary. (i.e. database backed up generally on a regular, daily basis; Pg.4; 0084, Pg.6; 0102)

As per claim 59, Schrire teaches:

The application of claim 52 wherein the restore method operates responsive to a phone recognized as having no data and an existing user account. (Pg. 11; 0183)

As per claim 60, Schrire teaches:

The application of claim 52 wherein the account creation method is performed by the backup system via a secondary interface provided to the user. (i.e. customer service interface; Pg.9; 0160).

Response to Remarks

IV. Relating to Claim 42:

In comeback to Applicant's allegation that Schrire doesn't teach, "an automated backup process transmitting changes to the backup system at user defined intervals;" it is noted that the Examiner respectfully asserts that the cited art, is legally efficient for the purpose of rendering claim unpatentable. In particular, Schrire supports the declaration as, Rather than by periodically interrogating the address book data (i.e. EF.sub.ADN data) to look for changes as in the first embodiment, backup messages are initiated by entry of new ADN data via the keyboard of the mobile phone. Restore messages, as in the first embodiment, are instigated by a user request to the backup data service centre. (Please perceive Pg.8; 0131), Therefore, user initiate to change/setup the timing of backup data via user interface e.g the keyboard. At the same time as in support; "the examiner must give the broadest reasonable interpretation to all claims

presented." As stated in MPEP § 2111 - § 2111.01. Hence, it is believed that Schrire still teaches tile claimed limitations.

Because claims 43-51 depend on claim 42, consequently the response is the same explanation as set forth above with regard to claim 42.

Relating to Claim 52:

The above arguments also recites for the claims 52-60, consequently the response is the same explanation as set forth above with regard to claims 42-51.

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

Conclusion

V. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or *EBC@uspto.gov*.

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